

Attention: Advisory Committee on Child Support guidelines

Meeting: January 7<sup>th</sup>, 2021

Time: 10:00 am

Via: Zoom Conference

Topic: Rule 32

My name is Lee Wood. I would like to say thank you for giving me the opportunity to offer an opinion not on behalf of myself, but on behalf of all non-custodial parents whom these subjects negatively impact. Even more so, for the best interest of our children and grandchildren's futures sake.

I would like to start by asking are there any non-custodial parents on the committee panel? If there are non-present on the panel now will any be added? As having non-custodial parents on the committee panel would show non-partisan.

There are several items in which I would like to address regarding the Rule 32 child support calculation and ask that you take a closer look at when calculating the child support payment formula.

1. Tax exemptions: Rule 32 has the custodial parent taking the federal and state income tax exemptions for the children in his or her custody. If child support is based off of gross income/before taxes then it is only fair that the non-custodial parent be allowed to claim the child at least every other year. Otherwise the net income/after taxes should be used in calculating the child support amount.
2. Health-care cost: Rule 32 allows a child to be added to a step-parents health-care policy/family plan policy. As we all know health-care premiums are based off of single (1 person) or family (any number greater than 1) plan policies. In other words family plan premiums are the same amount regardless if you have 2 or 200 covered on the plan. You still pay the same amount for a family plan policy. Now, the non-custodial parent is having extra added into the child support calculation while not costing the custodial parent any extra at all. I understand it's not based off the full family premium amount, but divided by the number of dependents. However, adding this calculation to the formula as part of child support is not fair because it is not costing any extra to have a step-child added to a family plan and especially when the child is taken off of the Medicaid program. If a step-parent is allowed to add a step-child to their health-care cost then why is their income not included as part of the custodial gross income? Also, if the health-care cost is going to be part of the child support formula then the non-custodial parent should have some say in any medical treatment decisions for the best interest of the child.
3. Child-care-cost: Rule 32 allows "work related" child-care to be added to the formula. It should be mandatory proof is provided the child is attending day-care. In other words a legal documentation from the day-care the child is presently attending each day and not just enrolled in a spot. If yearly mandatory proof of attendance is not provided then child-care-cost should be removed from the calculation. The child not attending on an all day to day basis affects their emotional and social behavior when occasional dropped off for a day here and there.
4. Visitation time: Why does the visitation time amount not a factor in the formula? Millions of parents go with very little visitation time (4 days a month-every other weekend) with their child due to force or an opposing parent casting them outside. Yet, the non-custodial parent still has

to pay the full obligation of child support. The visitation time should be part of the child support formula as well.

5. Percentage Share of Income: Why is the percentage share of income not equal to both parents? Why is the percentage favorable to the custodial parent? For example: the non-custodial parent's monthly income is \$3,500 and the custodial parent's monthly income is \$2,050 for a gross income of \$5,550. The non-custodial parent is required to pay 63% ( $3500/5550=.63$ ) while the custodial parent is only 37% ( $2050/5550=.37$ ). Once you add child-care and insurance cost the non-custodial monthly child support obligation is \$850 a month for one child. This formula (Appendix to Rule 32-Schedule of Basic Child-Support Obligations) pushes the non-custodial parent into poverty and impossible to survive on their own much less provide for the child during their visitation time. While the custodial parent is able to have luxurious items and give the child big luxurious gifts (example: big fancy cars, houses, name brand clothing and shoes, private schooling, etc.) because of receiving so much in child support payment. I'm asking that the committee please reconsider how this formula is calculated to a more 50/50 bases. With the 50/50 bases would allow the non-custodial parent a little chance of providing for the child during visitation time. At this time the non-custodial parent is set up for failure, financial ruin, and even pushed into being homeless due to being bled dry while the custodial parent has way more than needed.
6. Modification filing: Why is back child support awarded to the date of a modification filing date with the difference amount of the current payment amount to the new increased payment amount? This is unfair and discriminatory against non-custodial parents especially when the current child support is not behind. A modification is set for the future and has nothing to do with the past. How is looking into the past in the best interest of the children? Please take a look at starting a modification to the date in which the judge signs off on the modification and not the date the custodial parent filed for it.

In closing I again want to thank you for allowing me this time with the committee. I sincerely hope the committee will take a further look at making changes to the child-support formula with the tax exemption, health-care cost, child-care-cost, visitation time, percentage share of income, and modification filing. As we all are looking out for the best interest of the children.

Sincerely,

*Lee Wood*

Lee Wood

Note – these concerns are based off of joint legal custody but full physical custody

\*definition

1) Custodial parent – mother

2) Non-Custodial parent – father